IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:-

THE HONOURABLE THE CHIEF JUSTICE MR.V.K.BALI
&
THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

TUESDAY, THE 5TH DECEMBER 2006 / 14TH AGRAHAYANA 1928

W.P.(C).No.23072 of 2006(S)

PETITIONER:-

NATIONAL NETWORK OF POSITIVE PEOPLE
REPRESENTED BY ITS PRESIDENT, ASHOK NAIR,
HAVING ITS REGD.OFFICE AT TC.14/1514,
BEATRICE MANSION PARIS ROAD, THYCADU P.O.

BY ADV. SMT.SANDHYA RAJU
SMT.J.SANDHYA

RESPONDENTS:-

1. PROJECT DIRECTOR,
KERALA STATE AIDS CONTROL SOCIETY,IPP BUILDING,
RED CROSS ROAD, THIRUVANANTHAPURAM-695037.

2. SUPERINTENDENT,
TRIVANDRUM MEDICAL COLLEGE, TRIVANDRUM.

3. MR.GOPAKUMARAN NAIR,
SENIOR SCIENTIFIC OFFICER,TRIVANDRUM MEDICAL
COLLEGE, TRIVANDRUM.

4. STATE OF KERALA,
REPRESENTED BY CHIEF SECRETARY, TRIVANDRUM.

R2 & R4 BY SENIOR GOVERNMENT PLEADER SRI.M.R.SABU.
R3 BY ADV.SRI.S.P.ARAVINDAKSHAN PILLAY
SMT.N.SANTHA

BY ADV. SRI.D.KISHORE
SRI.K.A.BALAN
SRI.PETER JOSE CHRISTO

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 05/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:-

EXT.P1 - COPY OF NACO POLICY.

EXT.P2 - TRUE COPY OF THE LETTER DATED 7TH SEPTEMBER 2001 ISSUED BY THE KERALA STATE AIDS CONTROL SOCIETY BEARING LETTER NO.SACS 3-2032/01 TO THE DIRECTOR OF MEDICAL EDUCATION.

EXT.P3 - COPY OF THE RELEVANT EXTRACT FROM THE VCTC HANDBOOK.

EXT.P4 - COPY OF THE NEWSPAPER REPORT PUBLISHED IN THE HINDU DAILY IN THE YEAR 2003 DATED 21ST DECEMBER.

EXT.P5 - COPY OF THE GOVERNMENT ORDER ISSUED BY THE HEALTH AND FAMILY WELFARE DEPARTMENT BEARING G.O.(RT) NO.882/2002.

EXT.P5A - COPY OF THE COMPLAINT SENT TO PROJECT DIRECTOR, AIDS CONTROL SOCIETY BY THE NATIONAL NETWORK OF POSITIVE PEOPLE.

EXT.P6 - TRUE COPY OF THE GOVERNMENT ORDER G.O.(RT) 1389/2002 H&FWD DATED 2ND JULY, 2002.

EXT.P7 - TRUE COPY OF THE REPRESENTATION DATED 7TH JANUARY 2006 WITH ENGLISH TRANSLATION.

- TRUE COPY -

V.K.Bali,C.J. &
S.Siri Jagan,J.

W.P.(C).No.23072 of 2006-S

Dated, this the 5th day of December, 2006

JUDGMENT

V.K.Bali,C.J. (Oral)

The petitioner is an organisation working for the welfare of people living with HIV/AIDS. It is the case of the petitioner that many of its members who have approached the voluntary Counselling Centre have had a negative experience on account of the misdemeanor of the 3rd respondent. It is further the case of the petitioner that 3rd respondent's illegal intervention in the functioning of the Counselling Centre is adversely affecting the functioning of the VCTC. He is illegally occupying the post and intervening in the functioning of the VCTC Counselling Centre.

2. Pursuant to notice issued by this Court, Mr.M.R.Sabu, learned Government Pleader has put in appearance on behalf of respondents 2 and 4 and Sri.S.P.Aravindakshan Pillai for respondent No.3. The learned Government Pleader states

that the 3rd respondent, who was causing interference, has since been suspended. He further states that no further interference would be made by the 3rd respondent.

In view of the statement made by the learned Government Pleader, no occasion would arise to further proceed in the case. Closed.

V.K.Bali
Chief Justice

S.Siri Jagan
Judge

vku/-